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Attorneys for Plaintiffs
CANTER & ASSOCIATES, LLC and
LAUREATE EDUCATION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CANTER & ASSOCIATES, LLC and
LAUREATE EDUCATION, INC.,

Plaintiffs,

v.

TEACHSCAPE, INC.,

Defendant.

Case No. C 07-3225 RS

**DECLARATION OF ELENA M.
DIMUZIO IN SUPPORT OF
PLAINTIFFS' MOTION FOR ENTRY
OF PROTECTIVE ORDER**

Judge: The Honorable Richard Seeborg
Ctm.: 4 (5th floor)
Date: January 2, 2008
Time: 9:30 a.m.

1 I, Elena M. DiMuzio, declare:

2 1. I am an associate with the law firm of Heller Ehrman LLP (“Heller Ehrman”),
3 counsel to Plaintiffs Laureate Education, Inc. (“Laureate”) and Canter and Associates, LLC
4 (“Canter”) in this action. I make this declaration in support of Plaintiffs’ Motion For Entry
5 Of Protective Order. Unless otherwise noted, the factual assertions herein are made on my
6 personal knowledge and, if called upon to do so, I could and would testify competently
7 thereto.

8 2. A true and correct copy of an e-mail from Mr. Kassabian (counsel for
9 Plaintiffs) to Ms. Athanacio (counsel for Defendant) dated September 10, 2007 is attached
10 hereto as Exhibit A.

11 3. A true and correct copy of the draft Stipulated Proposed Protective Order
12 (“Draft Order”) forwarded to Teachscape, Inc. (“Teachscape”) on September 10, 2007 is
13 attached hereto as Exhibit B.

14 4. A true and correct copy of a letter from Ms. Athanacio to Mr. Kassabian dated
15 October 10, 2007 is attached hereto as Exhibit C.

16 5. On October 10, 2007 Mr. Kassabian sent a letter to Ms. Athanacio requesting
17 that Teachscape edit the Draft Order forwarded by Canter and Laureate to Teachscape on
18 September 10, 2007, and forwarding another copy of the Draft Order.

19 6. On October 15, 2007, the parties met and conferred regarding discovery,
20 pursuant to Federal Rule Civil Procedure 26(f). During this meeting, Ms. Athanacio refused
21 to discuss the substance of the scope of discovery or any discovery deadlines (other than her
22 unavailability for certain proposed trial dates), stating that Teachscape believed any such
23 discussions would be premature.

24 7. During the parties’ October 15 Rule 26(f) conference, Ms. Athanacio stated
25 that Teachscape would discuss Canter’s and Laureate’s Draft Order only on the condition
26 that Canter and Laureate not reveal these discussions to the Court. Ms. Athanacio also
27 sought Canter and Laureate’s assurance that engaging in such discussions would not waive
28 its right to object to the Court’s subject matter jurisdiction. Canter and Laureate agreed that

1 no waiver to a subject matter jurisdictional objection could occur through such negotiations,
2 but would not agree to hide the fact of such negotiations from the Court. Teachscape then
3 refused to discuss the Draft Order.

4 8. After the parties' October 15 Rule 26(f) conference, Canter and Laureate
5 served their First Set of Requests for the Production of Documents and Things on
6 Teachscape.

7 9. A true and correct copy of Defendant Teachscape, Inc.'s Response to
8 Plaintiffs' First Set Of Requests For Production Of Documents And Things (Nos. 1-80),
9 dated November 14, 2007, is attached hereto as Exhibit D.

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11 I declare under penalty of perjury pursuant to the laws of the United States that the
12 foregoing is true and correct of my own knowledge and that this Declaration is executed on
13 November 28, 2007 in San Francisco, California.

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15 By /s/ ELENA M. DIMUZIO
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